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Attorneys for Defendants

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ALEX VILLANUEVA,

Plaintiff,

v.

COUNTY OF LOS ANGELES,
COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT, LOS
ANGELES COUNTY BOARD OF
SUPERVISORS, COUNTY EQUITY
OVERSIGHT PANEL, LOS
ANGELES COUNTY OFFICE OF
INSPECTOR GENERAL,
CONSTANCE KOMOROSKI,
MERCEDES CRUZ, ROBERTA
YANG, LAURA LECRIVAIN,
SERGIO V. ESCOBEDO, RON
KOPPERUD, ROBERT G. LUNA,
MAX-GUSTAF HUNTSMAN,
ESTHER LIM, and DOES 1 to 100,
inclusive,

Defendants.

CASE NO. 2:24-cv-04979 SVW (JCx)

**DEFENDANTS' NOTICE OF
MOTION *IN LIMINE* NO. 4 TO
EXCLUDE VIVIAN VILLANUEVA
FROM TESTIFYING AT TRIAL**

*[Filed Concurrently with Memorandum
of Points of Points and Authorities;
Declaration of Jason H. Tokoro; and
[Proposed] Order]*

Date: May 26, 2025
Time: 1:30 p.m.
Crtrm.: 10A

Assigned to the Hon. Stephen V.
Wilson and Magistrate Judge Jacqueline
Chooljian

Trial Date: June 3, 2025

1 **TO THE COURT, ALL PARTIES AND THEIR RESPECTIVE COUNSEL**
2 **OF RECORD:**

3 **PLEASE TAKE NOTICE** that on May 26, 2025, at 1:30 p.m. or as soon
4 thereafter as the matter may be heard in Courtroom 10A of the above-captioned
5 Court, located at First Street Courthouse, 350 W. 1st Street, Los Angeles, California
6 90012, Defendants will and hereby do respectfully move this Court for an order
7 granting Defendants' Motion *in Limine* No. 4 to bar Plaintiff and his counsel from
8 attempting to elicit testimony from Vivian Villanueva at trial (the "Motion").

9 Plaintiff is seeking more than \$25 million in emotional distress damages.
10 Mrs. Villanueva was identified as a witness who could speak to Plaintiff's emotional
11 distress. At his deposition, Plaintiff identified her as the person he "often" talks to
12 about his feelings (Declaration of Jason H. Tokoro ("Tokoro Decl."), Ex. 17. at
13 359:5–7), and that she knows him "better than anyone" and that he confides his
14 emotions in her in a way he does not do so with anyone else (*id.* at 359:8–18).

15 At her deposition, Mrs. Villanueva invoked the spousal privilege and refused
16 to answer questions that pertained to Plaintiff's emotional distress, including what
17 he has told her about his feelings. (*Id.* Ex. 27 at 158:2–8, 159:19–160:3.) She and
18 Plaintiff have also prevented Defendants from seeing hundreds of text messages
19 between the two, which is admissible evidence of concurrent stressors or the lack
20 thereof. *Elkins v. Automatic Data Processing, Inc.*, No. EDCV 21-606 JGB KXX),
21 2023 WL 7354621, at *5 (C.D. Cal. Apr. 19, 2023) (citation omitted). Mrs.
22 Villanueva's testimony has been put at issue in this lawsuit, and she cannot use
23 privilege as a sword and a shield.

24 Separately, Mrs. Villanueva testified that she should be "part" of this lawsuit
25 herself as a party. (Tokoro Decl., Ex. 27 at 108:14–15.) And despite refusing to
26 provide testimony regarding emotional distress, she also testified that Plaintiff's
27 claim for \$25 million in emotional distress was "not enough." (*Id.* at 125:18–
28 126:2.) Such statements should be excluded as they are prejudicial and will

1 confused the jury as to the nature of Plaintiff's damages.

2 The grounds for the Motion are that the statements should be excluded under
3 [Federal Rules of Evidence 402](#) and [403](#).

4 The Motion is based upon this notice of motion; the concurrently filed
5 Memorandum of Points and Authorities; the Declaration of Jason H. Tokoro; the
6 pleadings and records on file in this action; and any further evidence or argument
7 received by the Court in connection with the Motion.

8 **Local Rule 7-3 Compliance**

9 This Motion is made following correspondence from Defendants' counsel
10 following the deposition of Mrs. Villanueva. Defendants' counsel requested a
11 conference to meet and confer, but Plaintiff did not respond. (*See* Tokoro Decl.
12 ¶¶ 4–5 & Ex 2.) The parties were therefore unable to reach agreement as to
13 Defendants' Motion *in Limine* No. 4. (*See id.* ¶ 3.)

14
15 DATED: April 28, 2025

Respectfully Submitted,

16 MILLER BARONDESS, LLP

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18 By: /s/ Jason H. Tokoro

19 JASON H. TOKORO

20 Attorneys for Defendants
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